

PUGET SOUND SPRING 1992

# Lawyer





## INSIDE:

### Exceptional people...

Our graduates have an impact on society in many ways, but none more publicly than those on the bench. For thoughts from a variety of alumni serving as judges around the Sound and beyond, see pages 4 & 5.

No one can doubt that **Charles Johnson's** election had impact. For press appraisals, national and local, of Justice Johnson's first year on the high court, see page 6.

Another graduate with a solid record of judicial achievements, **Karen Seinfeld** came home to the Court of Appeals, this time in black robe. Page 7.

Two 1985 graduates came back to Room 501, this time arguing against each other in an important case before the Supreme Court. See page 11.

A report from Dean **Jim Bond**, who's been out talking to lots of former students, is on page 8.

An exceptional attorney who's taken the skills she developed as an emergency room nurse into the courtroom is the first woman to be named "Trial Lawyer of the Year." See page 12.

And, an update on the growth of computer technology with some predictions for the future from our law librarians is on page 9.



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#### On the cover:

Justice **Charles W. Johnson '76**, pictured on the steps of the Temple of Justice in Olympia, relishes the intellectual challenges and has praise for the high quality of legal work he sees at the Washington Supreme Court. In January, he completed a year on the Court.

## UNIVERSITY PRESIDENT NAMED

### First woman...

The Board of Trustees has selected **Susan Resneck Parr**, vice president for academic affairs at Portland's Lewis and Clark College, to be the 12th president of the University of Puget Sound.

In May, Philip M. Phibbs, president since 1972, announced his intention to resign at the board's convenience, following the 1991-92 academic year.

President-designate Parr, 49, holds three degrees in English: a doctorate from the University of Wisconsin at Madison, a master's from the University of Chicago, and a bachelor's from Wellesley College.

Parr was cited for teaching excellence at the University of Wisconsin and at Ithaca College in New York, where she earned early tenure and promotion through the ranks from assistant to full professor in English by 1982. She then served for two years as an officer at the National Endowment for the Humanities, where she directed programs supporting curricular and faculty development in the humanities at the university level. From 1984 to 1990, she was dean of the College of Liberal Arts and Sciences and professor of English at the University of Tulsa, leaving that position to become chief academic officer at Lewis and Clark.

Among the trustees serving on the 11-person presidential search committee were law grads **Lucy Isaki '77** and **Thomas Leavitt '75**.

Noting that the search committee's decision to recommend Parr for the job was unanimous, chairman Lowry Wyatt called her "in every respect a worthy successor to President Phibbs." Lewis and Clark President Michael Mooney called Parr "outstanding" and said, "I think UPS is the most fortunate institution on the face of the earth."

The first woman to head the University in its 104-year history, Parr plans to arrive on campus in July.



Susan Resneck Parr

## BIG PLANS BREWING FOR LAW SCHOOL'S 20TH ANNIVERSARY

### Save these dates...

To kick off the Law School's 20th year celebration, the School is making big plans for **September 25 and 26, 1992**.

Nationally known speakers will forecast trends in American legal education at a day long symposium on September 25. Scheduled to speak are: Professor Roger Cramton of Cornell University School of Law, who will discuss revising the law school curriculum; Professor Herma Hill Kay of Boalt Law School, speaking on the impact of women on legal education; Professor Thomas Shaffer of Notre Dame Law School discussing professionalism; and author Dinesh D'Souza presenting his views on diversity as a political agenda.

On Saturday, September 26, the Law Alumni Society's An-

nual Dinner will celebrate the founding of the School. All graduates will be invited, but honored guests at the dinner will be all the students who entered in September 1972 and subsequently graduated; some as early as August 1974, some as late as 1977.

We believe we have addresses on all the graduates who entered in September 1972 except **Francia N. Luessen**. If you know where Francia is, let us know.

Other events to celebrate our 20 years of legal education and our graduates' growing influence in legal communities across the nation will follow throughout the year. Among these activities will be visits by Distinguished Graduates in Residence at the School, Dean's special breakfasts and visits, and an evening of entertainment at the Pantages in early spring.



The Puget Sound team of **Cory Rein '92** and **Ken Kilbreath '93** (right) won first place in the regional negotiation competition sponsored by the ABA Law Student Division. Eighteen teams competed at the regionals in the fall in Vermillion, S.D. The winners are shown here with the Client Counseling and Negotiation Board's faculty adviser **Betsy Hollingsworth**, who accompanied the team to Vermillion and to the nationals in Dallas in February.



## HIGH 5's TO THESE WINNERS

### Students & grads...

Kudos to:

Our Frederick Douglass Moot Court Team of **Michelle Boyd '93**, **Vonda Sargent '94**, and alternate **Patricia Green '94**, who took second place in the regional competition in Portland in February, sending them on to nationals in New York City in March. Of the 17 teams in Portland, theirs was the Best Petitioner's Brief. They placed among the top four teams at national competition.

And to:

Regional Negotiation Competition winners **Cory Rein '92** and **Ken Kilbreath '93**, whose picture appears below with their faculty adviser **Betsy Hollingsworth**.

And to:

Tacoma attorneys **John P. O'Melveny '79**, partner at Davies Pearson, and **Stephanie A. Arend '88**, associate at Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, for receiving pro bono awards from the Tacoma Pierce County Bar. In addition, the law firm of Vandenberg & Johnson was recognized for its pro bono contributions, with **Mark R. Patterson '77**, **James H. Bush '77**, and **Clifford D. Foster, Jr. '79** singled out for recognition.

Pro bono committee chairman Henry Haas, who presented the awards at the Association's annual awards dinner in February, said that Arend was honored for her participation in the neighborhood legal clinic program, specifically for her work on a case of unlawful detainer in which she spent more than 120 hours aiding Asian refugees.

John O'Melveny was recognized for his countless hours of work in restructuring the pro bono program, writing grant applications, interviewing applicants, and promoting the program.

The law firm of Vandenberg & Johnson, whose members contributed a great number of volunteer hours, were commended for their efforts on behalf of 21 Cambodian and Laotian families who were attempting to obtain rental deposits following a fire.



## PICTURE THIS: OUR ANNUAL THANKS TO VOLUNTEERS

### Rainier Club revels...

In December, 150 of the Law School's dedicated supporters ushered in the holiday season at the fifth annual reception for volunteers and friends. Held at the Rainier Club in downtown Seattle, the event is a much anticipated tradition in the Law School community. Volunteers were recognized for an array of activities that enrich every level of the Law School's life. Recruiting new students, assisting with the Annual Fund, presenting CLE's, organizing class reunions, and securing scholarship funding are a few of their invaluable contributions. University President Philip Phibbs and Dean **Jim Bond** thanked the guests for their many hours of service, and their continuing belief in the Law School's unique role in legal education. Some scenes from the event are shown in the photos on this page.



Student **Erica Lim '92** greeted Justice **James Dolliver**, a member of the Board of Visitors, while in the background **Nat Penrose** and Associate Dean **Joan Watt** shared a laugh.



**Adrianne Tollefsen '85** is a new member of the Law Alumni/ae Society Board of Directors, one of the groups honored at the reception.

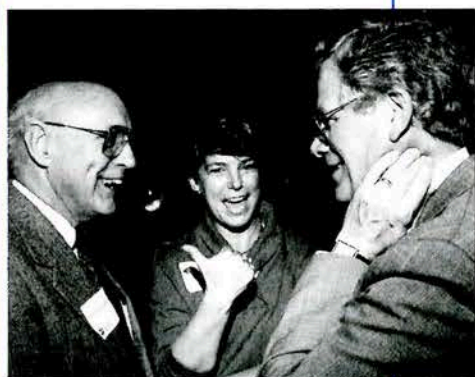


Justice **Fred Dore** and Judge **Karen Seinfeld '77** took the opportunity to greet President **Phibbs**.

## SERIOUS PLAYERS NEEDED

### Grudge match...

The Law Alumni Society's annual soccer match for students, alums, and faculty is set for Saturday, April 11, from 10 a.m. to noon. Students have already begun to organize their team, which has won the match for the last two years. Alums are called to pull out their cleats and get serious! The match will be held at Baker Stadium on the main campus of the University. Don't forget the annual pilgrimage to the Engine House for libations afterwards. Call **Peter Kram '76** in Tacoma at (206) 272-7929, **Stephen Moriarty '77** in Seattle at (206) 624-7840 or the Alumni/ae Office at (206) 591-2288 for further information.



Adjunct professor **Kenneth MacDonald** and **Katrin Frank '84**, both of MacDonald, Hoague and Bayless, enjoyed the company of new Board of Visitors member **Matthew Sayre**.



Professor **Richard Settle** chatted with **Jeannie Muckleston '87** and Law School Board of Visitors member **Clyde Summerville '76**.

## PUGET SOUND PROFESSORS HIT THE ROAD

### South to Vancouver...North to Anchorage...

Adjunct Professor **Tim Lowenberg** will share some of his vast knowledge of labor law at a CLE for Puget Sound law alumni/ae in Vancouver, Washington, on Thursday, May 14, from noon until 2 p.m.

The program, "Labor Law for the General Practitioner: An Update" will be open to all Puget Sound graduates. Regional liaison **Jeff Meehan '88**, of the Vancouver firm of Landerholm, Memovich, Lansverk & Whitesides, is coordinating the event with the Alumni/ae Office. Vancouver and Portland area alums should watch their mail for further information. Sponsored by the Law Alumni Society, the program is part of the Society's continuing effort to serve alumni/ae outside the Puget Sound area.

Alumni/ae in Alaska will have the opportunity to greet each other and Professor **John Strait** at a breakfast sponsored by the Law Alumni Society during the Alaska Bar Association's Annual Convention. The convention in Anchorage will feature sessions on effective communication in the courtroom and professionalism presented by Professor Strait. The breakfast is scheduled for Thursday, June 4, 1992. Alaska alums will receive further information in the mail during May.

### REUNION CALL FOR THE CLASS OF '82



Members of the Class of '82 can look forward to the festivities of their tenth reunion set for July 25 at the newly opened Canterwood Golf and Country Club in Gig Harbor. **Mike Reynvaan**, chair of the Reunion Committee, and members **Maggie Ross**, **Greg Forge**, **Jed Powell**, **Dave Tift**, **James Preston**, **Judy Conlow**, and **Doug Hill** are meeting regularly to plan the event. Watch your mail for more information.



**Brenda Little '87** welcomed the opportunity to greet adjunct professor **Tim Lowenberg**.



Students interested in international law received a unique account of the intricacies of negotiating agreements when **Rufus Yerxa '79** visited the classroom recently. Ambassador Yerxa, stationed in Geneva, is the U.S. representative to the General Agreement on Tariffs and Trade, where his work on the Uruguay Round of the GATT talks is currently at a critical stage. He spoke to the law students about his work in the international negotiating arena and about his experiences seeking a job after graduation from law school.



# OUR GRADS ON THE BENCH RECOUNT CHALLENGES, VARIETY, AND DIFFICULT CHOICES AS THEY TRY TO DO THE RIGHT THING

*All like to feel they're having a positive impact...*

For some University of Puget Sound graduates, becoming a judge was a dream or a calling. For others, it was a logical progression of their professional lives. All are part of an expanding pool of UPS graduates with influence in the judiciary, from Alaska to New York. You can find them on all levels—in the municipal, superior, appellate, and supreme courts. They come from private practice and public service. They enjoy the variety of their jobs. And most have chosen to be judges so they can have a positive impact on society.

## RANDAL FRITZLER

For **Randal B. Fritzler '74**, District Court Judge for Clark County, becoming a judge meant paying back the community for its support over the years he practiced there.

"Vancouver had been good to me," he said. "I wanted to give something back to it."

Fritzler, one of the first UPS graduates, got his chance in 1986, when he was elected to a position on the bench. Up to that point, he had worked in a small general private practice, doing "a little bit of everything."

He now works in a court of limited jurisdiction, deciding cases that can result in fines up to \$5,000 and jail sentences up to one year. The court in which Fritzler and four other judges preside is one of the three largest courts in the state in terms of volume. Each trial day the judges are scheduled about five cases deep, he said.

Fritzler takes on a full range of cases. Once every five weeks he draws the duty of criminal intakes or arraignments. The other four weeks he does small claims, sentencings and trials.

Though he feared he might become bored with his job, it has never happened, he said, because, "there's enough variety."

Fritzler wants to stay at the trial level and does not have his sights on a higher court. The positions in the higher courts that require more academic research simply do not appeal to him, he said.



Judge Randal Fritzler '74

Fritzler does not particularly enjoy wielding the power of a judgeship. Instead, job satisfaction comes from other areas.

"There's a satisfaction in letting people have their day in court, in letting them air their problems," he said.

## CAROL WARDELL

Just ask **Carol A. Wardell '81**, a Superior Court Judge for Chelan and Douglas counties about the impact of judges.

Once Wardell was told that a woman she had talked with at length before imposing the maximum sentence for cocaine possession was found crying in her cell. Wardell learned that the woman was crying because Wardell had been the first person in the judicial system who had listened to her.

"I like to feel I'm having a positive impact on people," Wardell said.

Wardell started thinking about becoming a judge when she worked as a clerk for Judge Carolyn Dimmick for two years following graduation.

"It had been a goal of mine. I just didn't think I'd reach it that quickly," she said.

In 1983, she joined a Wenatchee law firm and practiced civil litigation, until last year when a position on the court opened up.

"I decided the time was right," Wardell said. "I felt that as an attorney I wasn't having a positive impact."

Wardell was appointed to the position in July 1991, and became the first woman judge in Douglas and Chelan counties. In the November election, she won the right to fill out the vacancy. She must run again this fall for a four-year term.

While she misses the camaraderie of her law firm, there are many things she enjoys about her position.

"Every day is so different," she said, adding "I guess I like making decisions."

Wardell, along with two other judges, handles Superior Court matters for Douglas and Chelan counties. They hold sessions in Wenatchee and Waterville. She rules on both criminal and civil litigation, with more time being spent on criminal cases.



Judge Carol Wardell '81

Wardell said she was surprised to find out how many child molestations the court was handling. In a month's span, three of the seven trials before her were child molestation cases.

As to the practices of lawyers appearing before her, Wardell is somewhat bothered by the increasing number of discovery motions, she said. In the past, people would work those issues out between themselves. But, for the most part, she works in a community where people trust each other and will work things out over the phone, she said.

Wardell, who does her own research and writes her own jury instructions, hopes she is becoming known "as active and hard-working."

## TERRY SEBRING

While Pierce County Superior Court Judge **Terry D. Sebring '74** likes his job, there's one thing he tries not to do.

"I try not to take it home," Sebring said.

For the most part, he is successful at maintaining his equilibrium while hearing felony cases that range from arson to murder as a Superior Court Judge in Tacoma.

"You get used to some things more than others," he said.

"There's no joy in seeing a regular schedule of felonies," he said. "But for most people in the criminal justice system, that's a reality."

Initially, Sebring did not harbor aspirations of sitting on the bench.

"When I went to law school, I don't think I had any idea of becoming a judge," he said.

Since graduating, Sebring has worked as a chief civil deputy prosecutor, personnel director, deputy county executive and legal counsel to Gov. Booth Gardner.

He became interested in the job when he came in contact with judges while working on the judicial appointment process for Gardner. By the time he was appointed, he had talked with numerous people and had a good idea of what the job entailed, he said.

"I knew what was involved," he said. "I wasn't surprised or disappointed."

The years in public service also helped prepare him for the job, Sebring said.

"I was lucky. Before I became judge, I dealt with a wide range of issues."

Sebring estimates he spends 60 percent of his time hearing felony cases, 25 percent on family law issues and 15 percent on civil cases.

Despite all of his years in the public realm, Sebring said he does not see his role as a judge to make public policy, especially on the superior court level.

"I don't have any of those urges left," he said.

His job is to read appellate decisions and follow them, he said. He also takes care to read everything the attorneys give him. As a result, Sebring hopes he's conveying "the impression that I'm fair and working hard at it."

## KIMI KONDO

The steady stream of cases that go through Seattle Municipal Court is something **C. Kimi Kondo '77** thrives on.

"I enjoy the pace. Things move fairly quickly," she said.

Kondo is one of 10 judges in Seattle Municipal Court. She handles misdemeanors that carry punishments of fines up to \$5,000 and jail sentences up to one year. The court, which includes magistrate cases, handles over a half-million cases in a year, she said.

Kondo also enjoys the successes in her job. When someone is amenable to treatment, follows through and succeeds, "it's worth it," Kondo said.

Before her contact with the bench, Kondo worked as a private attorney, practicing in probate, personal injury and small business, among other areas. She geared down her practice after deciding to have children. In January 1986, she started acting as a judge pro tem, sitting in for judges when they were unable to sit on cases.

She applied for a position as judge, but then-Mayor Charles Royer turned her down. Then, when voters approved money for more judges, Mayor Norm Rice appointed her in March 1990. She ran unopposed for that position in the November 1990 election to win a four-year term.

Kondo became the first Asian-American woman appointed to the bench in Washington. And she strongly believes that more appointments of Asian-American women should follow.

"I don't think I should be the one and only," she said.

Kondo's vision goes beyond her work on the bench. She hopes to bring the court up to speed in computers to make it run more efficiently, she said.

"I hope I can contribute to

bringing municipal court into the computer age," she said.

## MARTIN MITTET

For **Martin P. Mittet '80**, the job does have its rewards.

"Occasionally you do something you feel good about," he said.

Mittet holds the position of municipal court judge for the city of Port Orchard, a part-time position hearing misdemeanors, gross misdemeanors, and traffic violations.

Mittet describes his job as the "absolute lower end of the judicial spectrum."

"It's not one people aspire to," he quipped.

In fact, Mittet is not exactly fulfilling a lifelong dream.

"I didn't really want to be a judge, it just kind of fell on me," he said.

After graduating, Mittet went into general practice in Port Orchard. At the time of his appointment two years ago, Mittet had quit the practice of law and was working on his house. He was appointed to a four-year term at the discretion of the mayor and city council.

But Mittet finds he is enjoying his unexpected foray into the judiciary.

"There's enough variety that it doesn't get boring," he said.

In Mittet's court, he sees mostly the poor and downtrodden, those who are not hard-core criminals, but have simply messed up. Mittet estimated 95 percent of his cases are alcohol related.

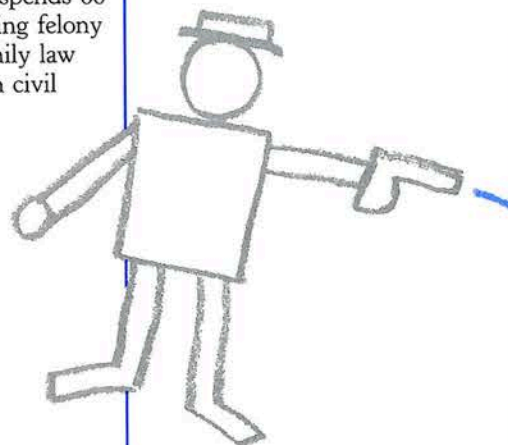
In some instances, "you feel like you can turn someone around and do some good," he said.

A judge who sees people appear before him regularly can establish a rapport "if you don't take yourself seriously and throw your weight around," he said.

—Continued on next page—



Judge Terry Sebring '74





## And they like looking at the big picture...

### JUDITH HIGHTOWER

It's safe to say Judge **Judith E. Hightower '83** forms her own opinions.

When a college professor informed her she could not think logically and should never go to law school, she ignored him. When officials didn't appoint her to a position on the bench, she ignored them and ran for office.

Her belief in herself paid off. In 1990, Hightower, who started as a write-in candidate in the primary before she became a candidate in the general election, was elected to a position in Seattle Municipal Court. She is one of 10 judges there, hearing cases that carry a fine of up to \$5,000 and one year in jail.

After graduating from high school, Hightower initially worked at a bank. She entered college part-time about 10 years after she had finished high school. She came out of law school in 1983 loving the law, respecting the system, and "believing it's a good one."

"At some point it occurred to me that to be a judge was to have an impact," she said.

When she started to practice law, Hightower decided she would not feel comfortable in a traditional law firm. Instead, she joined the Associated Council for the Accused, a private non-profit firm that contracts for public defense work.

In her capacity as a defense lawyer, Hightower describes herself as "dedicated and committed" and "a vigorous defender of the Constitution."

While practicing as a trial lawyer, she began seeing herself as a judge and began feeling, "I could do better than some and could aspire to do as good as others."

People often came to Hightower for advice and to resolve conflicts. She knew she was a good listener. She began to think: "This may be something I was called to."

The voters agreed with her and elected Hightower in November 1990.

### DARCY GOODMAN

Being a judge has its difficult moments, according to King County District Court Judge **Darcy C. Goodman '75**.

The hardest thing for Goodman is to look people in the eye and tell them her conclusions on their case and her reasons for the ruling.

The task is more palatable because as a judge, "you've looked at the big picture," and have come to the conclusion that "what you do is the right thing, the fair thing," she said. "But that doesn't always make it easier."

Then there are the good parts of the job. Goodman likes having a position where she is taking a broad view of the situation, as opposed to representing someone. She enjoys "looking at the larger problem" and seeing a solution.

Goodman started thinking about the judiciary after a friend who held a position as a commissioner and later went on to become a judge suggested the career move. Before her election to the bench five years ago, Goodman worked as an assistant city prosecutor in Seattle, focusing on criminal matters, planning and zoning, and environmental issues. She also worked as a commissioner in a part-time position similar to a judge.

In all, there are 23 King County judges. Goodman works with four other judges in the Seattle district. She is currently the presiding judge, who takes on administrative responsibilities for the court and makes sure the calendar system goes smoothly. While her job is comparable to municipal court judges, she takes on cases not governed by city law, such as drug possessions. Cases that she decides carry a maximum \$5,000 fine and one year in jail. About a third of her case load are civil suits, many of them small claims. The rest of her decisions pertain to criminal cases, she said.

Goodman observes that she would like to see more professional courtesy between attorneys and directed at judges.

For practicing attorneys, she has this advice: "Good preparation before appearing in court is the answer to legal problems."

### JOAN DUBUQUE

After working in private practice and as a prosecutor, **Joan E. DuBuque '77** came to a realization.

She was less "comfortable being an advocate than being someone who could see both sides."

So DuBuque took a job in 1984 as a commissioner and conducted pre-trial hearings for King County Superior Court. When she found out she liked the job as commissioner, DuBuque decided she wanted to try the experience of being a judge "and see what I could do in that job." She received an appointment to the superior court bench in 1989, ran unopposed in 1990 to fill out the unexpired term, and will run again in 1992 for a four-year term.

Part of a team of 46 judges who preside in superior court, until recently DuBuque primarily heard civil cases. But now she has been assigned to the criminal docket. "There are pluses and minuses to both parts," she said.

Civil cases put her in contact with a wide range of attorneys who submit highly prepared briefs. In the more pressured environment of criminal law, DuBuque gets to know the lawyers coming into her court very well. She lauded the dedication of prosecutors and defense lawyers, saying, "They're really doing what I consider yeomen's work."

As for her own efforts, "I try to do the best I can," she said. "It's not an easy role. It has a tremendous amount of responsibility attached to it."

But a judge has to let go of the decisions and not relive them forever, "otherwise you become paralyzed," she said.

If there's anything she would suggest to the attorneys who appear before her, she would encourage more professional courtesy and better briefs. In the last several years, she has seen a higher incidence of attorneys attacking each other personally. She has also seen an increased trend of attorneys trying to take shortcuts and submitting briefs that fail to cite contrary cases or that cite cases which are minor to the point of law.

"I remember those attorneys," she said.

For DuBuque, the best part of being a judge is going through a trial and working with a jury.

"To me, that's the real high, to see the whole process work," she said.

### VICKI SEITZ

There's absolutely no question about how **Vicki M. Seitz '76** feels about her job as King County District Court Judge.

"It's the greatest job in the world," she said.

Seitz admits that sometimes she has long days and finds it a struggle to be there. But on balance she enjoys the King County Court, where she decides cases involving misdemeanors, gross misdemeanors, and civil cases with awards up to \$25,000. Seitz, who has been on the bench a little over a year, works with two other judges in Burien for the southwest division of the King County court system.

Many things about the job make it appealing to Seitz. She likes the variety, the interaction with people, and the intellectual challenge she gets with the job. She also likes the challenge in unexpected aspects, like dealing with the civil litigation of a Walla Walla penitentiary inmate, she said.

Before she became a judge, Seitz spent about 10 years in the public sector, first practicing criminal law and then switching to civil litigation. She's worked as a public defender, a Seattle Municipal Court prosecutor, deputy prosecutor for King County and civil litigator for the city of Seattle. There's no particular moment when the idea struck her that she wanted to be a judge, she said.

"When you're a litigation lawyer, you daydream about what it would be like to be a judge. You admire judges, see a different strength there, and you try to emulate people you admire," she said.

A number of people suggested she run before she took the plunge and won a position in the November 1990 election.

Seitz had positive things to say about the state of the profession, and a few suggestions for practicing attorneys. Each court has its own special ways of doing things and it behooves a lawyer to take the time to ask questions before appearing in an unfamiliar court, she said.

"The best way to look competent, look professional, is to call ahead and ask if there are any special procedures. Admit your ignorance. Be open about that and try to gather information ahead of time," she said.

Seitz also urges attorneys to look to the district court for resolving their civil disputes. Often attorneys are enamored with the superior court, she said, and lose sight of the fact that district court is a fast, effective way to get a ruling.

All in all, Seitz finds "that people in law are really pretty wonderful. I find it a joy to have attorneys in my courtroom."

—Gail Pruitt '94



Judge Judith Hightower '83



Judge Vicki Seitz '76



# ONE YEAR LATER: CHARLES JOHNSON EARNS PRAISE FOR HIS LEVEL OF ENERGY, COMMON-SENSE APPROACH, AND LEGAL SMARTS

*"Each case is like a mini-course in law school..."*

Nobody's calling Charles W. Johnson '76 an "oddball" now, but a fellow justice of the Washington Supreme Court admits that he got the picture of a strange character from news reports about Johnson when the UPS grad won a seat on the state's highest court 18 months ago.

That same justice, Charles Z. Smith, recently told *Washington Post* writer Lou Cannon that he appreciates that Johnson "is bright, does his homework, and is participatory."

A University of Washington law professor, an authority on criminal law and rules of evidence, told Cannon he feels Johnson is "proof of the proposition that you can put ordinary folks who have legal education on the court and expect them to do a good job." Professor John Junker also expressed admiration for Johnson's reasoning in a dissenting opinion in a case where the court allowed a prosecutor to introduce evidence of an accused burglar's prior criminal convictions as a means of challenging his truthfulness. Joining in the dissent was Justice Robert Utter, whom Cannon quotes as saying he was "proud to be on a decision" with Justice Johnson.

Cannon's nationally syndicated story, which stressed Johnson's common sense, willingness to work hard, good natured approach to his colleagues, and his "down-in-the-trenches" legal career, described a consensus among observers. Johnson, they say, has already demonstrated "that an attorney who prides himself on a common-sense approach can make important contributions to a court rich in legal experience."

Writing in the *Seattle Times* a year after Johnson won his court seat, reporter Jim Simon pictured him as a man who has brought a valuable and fresh perspective to the court and has won his fellow justices' respect "with his energy and legal smarts."

Speaking with *Lawyer*, Johnson was characteristically modest in pointing out that he's been getting good coverage in the press partly because "when nothing is expected of you and you do well, it's a news event."

Still, Johnson agrees that he works hard at becoming an informed justice, saying he feels an obligation to be fully prepared for every oral argument. He reads extensively, not only to make up for his meager experience of high court deliberations, but because he feels "it's only fair to the litigants to be as fully informed prior to oral argument as I can possibly be." Some cases will require reading more than a dozen briefs and numerous pages of supplemental reading, as well as delving into issues that require difficult introspection.

"The pace of oral argument can be frantic," he noted, but he expressed his greatest pleasure in being able to take part in the challenging intellectual exercise required in coming to a decision in a Supreme Court case.

"Partly it's the excitement of the activity. You're making decisions that affect how all other

courts are run, how all cases of similar facts are decided, and for a moment in time, you're the legal expert on a particular issue. But it's not a power trip. After all, you're only one of nine on the court."

Johnson has found being on the Supreme Court "a wonderful learning experience" that he likened to the best part of being in law school.

"You're trained to be a Supreme Court Justice in law school: take the issues, take the facts, apply the issues and come to a result in writing," he said. But years of practice can dull the sense of learning and gradually replace it with a repetitive set of activities in which you begin to act "out of memory and habit," he said.

"Now, I'm back in the learning mode, and that's wonderful," he said. "Each case is like a mini-course in law school."

Not only has Johnson worked hard to fit in with the court—and he says the reception from his fellow justices quickly moved from warm welcome to acceptance—he's putting in extra efforts to retain his ties to the lower courts and the people who staff and practice in those courts. He goes to monthly meetings of the association of district court judges, and gladly accepts invitations to speak to attorney groups. "Most of my practice and comfort zone as an attorney was in the lower courts," he points out. "I mean to give back, to do what I can to make their jobs easier to do. You know, 80 percent of court cases are resolved in district or municipal courts. I want them to know they can always call me and I'll do what I can."

Usually that amounts to a phone call or an exchange of ideas, but in July he sat for a day as judge pro tem in Mason County District Court. A reporter in the *Mason County Journal* detailed his visit and described how he "moved 26 cases through the legal system by issuing six warrants, granting seven delays, dismissing three cases, handing down two sentences and giving four lectures, one of which was rather stern."

"His heart is still in district court," the reporter wrote, "where justice is swift for the people that helped him get elected."

Johnson has spoken to a number of groups and bar associations, and he aims to meet as many as 10,000 lawyers throughout the state in the next few years. He admits that "whenever I'm giving a speech to a bar association or other attorneys' group, I still feel I'm on the wrong side of the podium. I feel a great affinity for those attorneys, and I hope I never lose that feeling."

He recalled that it was never his goal to sit on the Supreme Court. "My goal was to win an election," he said. "But now that I'm on the court, I aspire to be as good and as effective as I can. I expect to work hard and to rise to the level of competence that my energy and dedication will allow. And I like to think that I will become very effective in how I express my position."

Off the job, on a ski trip or in a group of new acquaintances, Johnson identifies himself simply as a state employee. "I understand the significance of the position, but if I left tomorrow, someone else would fill it," he noted.

"I'm going to do the best I can while I'm on the court, and I want people to say I'm a good guy and I care about the public and about my fellow attorneys," he said.

About the attorneys who appear before the high court, he says: "The level of argument is excellent. The argument is exceptional. Being relatively new to appellate advocacy, I'm forever impressed. We see such a final, polished product," he said.

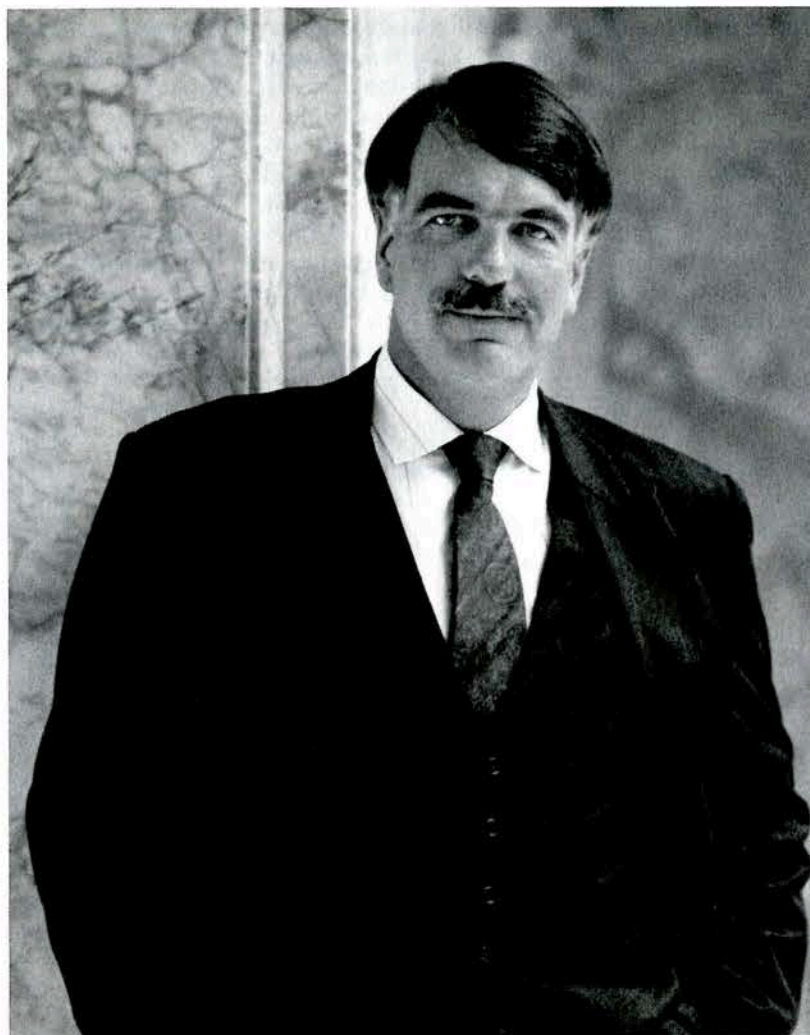
As far as a judicial label goes, Johnson would choose the term "non-activist" for himself. "I believe in protecting the liberties we have and in judicial restraint," he said, at the same time recognizing that state courts are becoming the battleground for an increasing number of significant and far-reaching issues.

Here was Lou Cannon's assessment of the significance of Johnson's elevation to the State Supreme Court:

"How Johnson performs could have far-reaching relevance. In states such as Washington where specific guarantees of individual rights go beyond those of the U.S. Constitution, liberal judges increasingly are relying on state law rather than restrictive interpretations of the federal judiciary. Johnson has joined the Washington court at a time when it is narrowly divided on many issues."

A good time to be on the court for this "down-in-the-trenches" attorney who says, "I'm having a wonderful time, and I've not forgotten how I got here and where I came from."

—Carole Schaffner



Justice Charles Johnson '76



# KAREN SEINFELD TAKES SOLID RECORD OF JUDICIAL WORK TO STATE'S SECOND HIGHEST COURT

## WHO'S GOT WHAT IT TAKES?

"A deeper look at decisions and an absorbing job..."

For Karen Seinfeld '77, the appointment to judge of the Court of Appeals, Division II, took her back to familiar surroundings.

"When I came here, I was coming home, back to where I'd been," she said.

Seinfeld knew the office long before she took the oath last January 2, because she had worked there screening cases as a Court of Appeals commissioner.

While the surroundings and the process are familiar, sitting on the state's second highest court differs measurably from work as a Superior Court judge.

"The trial court is the front lines. You hear and smell and see all the folks who have the problems. So it's very first hand, very real," she said. "The judge is evaluating the evidence, weighing the evidence. It means looking at demeanor, expression, dress, whatever it takes in trying to decide what is really happening here."

Now she can take a deeper look at the decisions trial judges make in the frenetic pace of the Superior Court.

She and three other judges hear appeals from trial court cases in Division II, an area that stretches from the Oregon border up to King County, west to the Ocean and east to the Cascades.

Each Tuesday, three judges sitting as a panel in an all day session hear seven cases. At the end of the day, they hold a conference about the cases they've heard.

The rest of the week is spent preparing for upcoming cases by reading stacks of briefs, as well as researching and writing opinions.

Ultimately she must pass judgment on her former colleagues.

"I don't know if it's a help or a hindrance that I know them so well. As I read these records, I can hear their voices. I know they're making their very best efforts. But I also know the conditions under which they're working and why, with the opportunity that we have for more reflection and more research, we might reach a decision that differs from theirs. And why they might even have reached a different decision had they had that opportunity."

Initially, Seinfeld thought she would miss working at the trial court level. But her new job has consumed her.

"I haven't had the withdrawal pains I thought I would have. I think it's because I'm just so involved in this process that I don't have time to miss it. This is very absorbing," she said.

One aspect of her new job she appreciates is the process of interacting with the other judges. In the lower courts, a judge makes decisions alone.

"You can't share your case. The courtroom is full of people, but no one in that courtroom is your equal in the process. It can be very lonely making hard decisions," she said.

But a major part of the process for appellate judges is sitting down to discuss the decision, she said.

"You cannot make a decision alone. All our decisions are group decisions. So a major part of the process is sitting down and conferencing. I enjoy that part of the process," she said.

Having a trial court background is good experience for an appellate court judge, Seinfeld said.

"We're looking at the records, at transcripts. And they look cold. But if you've been in the trial court, the memory of what it's like makes that record come to life," she said.

Seinfeld has practiced in the public sector throughout her career, working as an advisor for the county council and a prosecutor for the civil litigation division. She's always found the issues that come up in public law to be fascinating.

"Working in the public sector, you can have a big impact on your community," she said.

While some have questioned whether she could be an effective judge with no experience in private practice, Seinfeld said she has gotten along fine. With a husband and father-in-law in private practices, Seinfeld has long been exposed to that aspect of the profession.

"I do have insights into private practice," she said. "And I think I've picked up the games private lawyers play," she said.

—Gail Pruitt '94

Modern psychology confirms what history teaches.

While some persons cannot escape their biases and prejudices, others can. Detachment and objectivity are recognized mental faculties. Persons who possess these faculties can decide "correctly" on the basis of identified criteria even though they may disagree with the criteria or disapprove the particular result.

The ideal judge thus has a particular psychological makeup rather than a particular set of values. The political, economic, and social profile of the ideal judge is as varied as humankind. He may come from the ghetto or a country estate. He may have worked his way through state universities or attended posh private schools. He may have pushed radical causes zealously, hewed to traditional views quietly, or held himself aloof from political battles. Ideal judges share one and only one common quality: they are detached and objective. What sets them apart from their less than ideal brethren is their ability to detach themselves from their personal views and decide the case before them objectively on the basis of the law.

—From *The Art of Judging*  
by James E. Bond,  
Transaction Books, 1987

## MORE JUDGES IN MORE COURTS

Among the graduates we didn't talk to, but who are presiding in a variety of venues are:

**Roger A. Bennett '75**, Superior Court Judge, *Clark County Superior Court*, Vancouver, Wash.

**Rosemary P. Bordlemay '80**, District Court Judge, *King County District Court NE Division*, Redmond, Wash.

**Christine C. Clishe '75**, Administrative Law Judge, *Office of Administrative Hearings*, Olympia, Wash.

**Anita M. Crawford '86**, Administrative Law Judge, *Office of Administrative Hearings*, Seattle, Wash.

**Thomas A. Farrow '81**, Judge, *Pierce County District Court*, Gig Harbor, Wash.

**Robin A. Jones '77**, Appellate Judge, *U.S. Navy Marine Corps, Court of Military Review*, Washington, D.C.

**Lawrence S. Knipel '77**, Judge, *State of New York, Civil Court, City of New York*, Brooklyn, N.Y.

**Nancy J. Luth '80**, City Judge, *City of Great Falls*, Great Falls, Mont.

**Nicole MacInnes '78**, Judge, *Seattle Municipal Court*, Seattle, Wash.

**Thomas J. Majhan '76**, District Court Judge, *Jefferson County District Court*, Port Townsend, Wash.

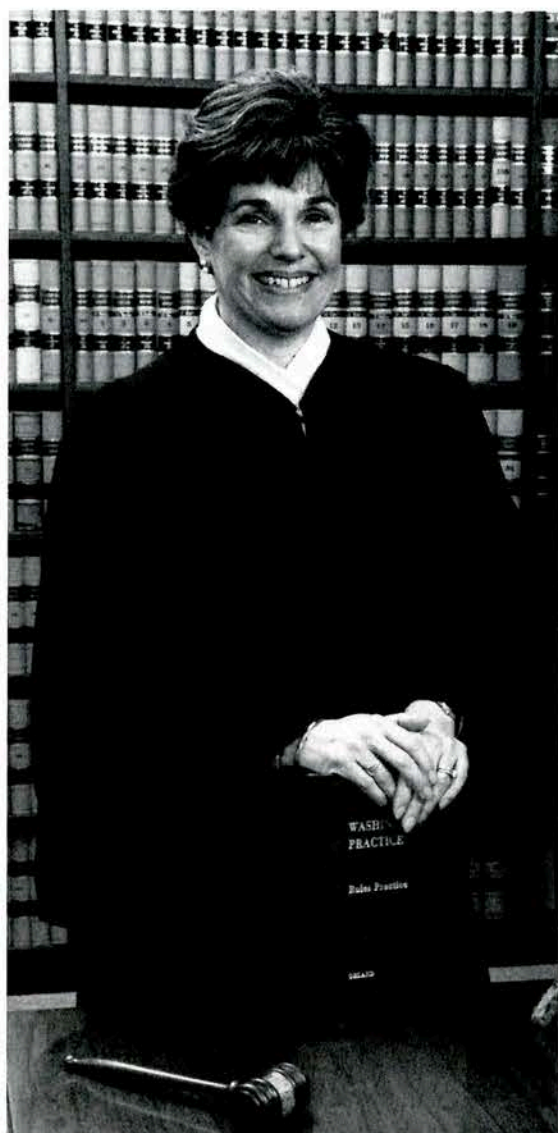
**Robert H. Russell '75**, County Judge, *Arapahoe County Court*, Aurora, Colo.

**John M. Sells '76**, Administrative Review Judge, *State of Washington*, Olympia, Wash.

**Ann M. Silvernale '84**, Industrial Appeals Judge, *Board of Industrial Insurance Appeals*, Olympia, Wash.

**Carol J. Teather '75**, Administrative Judge, *U.S. Merit Systems Protection Board*, Seattle, Wash.

**Larry C. Zervos '77**, Judge, *State of Alaska Superior Court*, Sitka, Alaska



Judge Karen Seinfeld '77



# LOOKING FOR FEEDBACK IN ALL THE RIGHT PLACES: DEANS' VISITS WITH LAW SCHOOL GRADUATES REVEAL GENEROSITY AND PRIDE IN THEIR SCHOOL

*An open letter to our graduates...*

Over the past 16 months, Associate Dean Joan Watt and I have been visiting with our graduates, usually in their offices. To date, we have been able to see approximately 100 alumni/ae. The visits have been so productive and rewarding that I wanted to share with all of you what I believe we have gained from these extended conversations about law and the Law School.

There are several reasons why we began making these calls. One is that I believe we at the School are creating and selling a product—legal education—and that we therefore need to check periodically with those who have purchased our product to determine if they have found it satisfactory or if they have suggestions about how it might be improved.

In that sense we are like any other business: We must be sensitive to the reactions of our consumers. This is especially true today when the practice of law is undergoing profound changes. Those of us in legal education must keep abreast of those changes, especially those that are likely to be permanent and may require us to prepare our students differently from years past.

Another reason for our visits is my sense that many of our alumni/ae are unaware of the often significant changes that have occurred at the School since they were students. In our meetings

with graduates, we can bring them up to date on important developments, including:

- the huge increase in applications to the School (up 83 percent in the last five years).

- the decrease in the size of the entering classes (from 360 in 1986-87 to fewer than 300 today).

- the expansion of our scholarship program—from \$360,000 (4.86 percent of the operating budget) just five years ago to \$923,953 (7.9 percent of the budget) next year.

- the renewed, excellent performance of our graduates on the Washington State Bar exam, illustrated by an 80 percent pass rate among members of the Class of '91 on the July 1991 exam (statewide passage was 77.6 percent).

Many graduates also want to know what has happened to their favorite professor or to a special staff member. We are delighted to be able to fill them in and, in the process, gain some new insights into the special, often continuing friendships these former students forged with faculty, staff, and fellow classmates during their days at the Law School.

A third reason for these personal visits is to ask our graduates to support the School with their time, their talent, and, yes, their charitable dollars. We will be celebrating our 20th anniversary next year. We are no longer a new school. We are an established law school with a growing reputation. If we are to fulfill the promise of that growing reputation, we will need the same kind of loyalty and support that the

graduates of other, older private schools give their alma maters.

Fortunately, many of our alumni/ae—especially though not exclusively those from the early graduating classes—are now in a position to be able to provide substantial support to us. They have established successful practices; they are leaders of the bar; they are involved in their communities.

Having explained why we began making these visits, let me share a few reasons why they are so productive and rewarding. I've already mentioned one: the extraordinary achievements of our graduates. "Up close and personal," the alumni and alumnae with whom we have spoken are impressive. They obviously enjoy what they are doing; they are good at it; and they care deeply about the profession. Their success is thus a source of great pride for the School.

Not surprisingly, we have received a range of helpful suggestions from our graduates. They have ideas about virtually every aspect of our program, from the teaching of legal ethics to core curricular requirements to career counseling for current students. This kind of feedback is invaluable, and we've already begun to implement some of their recommendations.

Discovering how much our graduates care about the School has been, for me, the most reassuring aspect of these visits.

When I became dean five years ago, I was often told that most UPS law alumni/ae cared little about their alma mater. I didn't believe it then, and I certainly don't believe it now.

To be sure, there are former students who still harbor negative feelings about their years in law school. After all, the experience is a stressful one. Indeed, the rule of thumb in the world of legal education is that it takes most graduates five years to overcome their anger at law school.

While I would hope that we can make a UPS legal education less traumatizing, we no doubt will continue to generate some negative reactions because we will continue to challenge our students to stretch themselves—to be the best that they can be. In this context, our ultimate hope must be that they will come to understand that the knowledge and skills they gained here have made all the difference in their professional lives.

All I can tell you is that almost all of the graduates with whom Joan and I have visited have very positive feelings about the School. None has said law school was easy, but they uniformly report they learned a lot. They appreciate the interest particular faculty took in them. They bonded with other students who have remained lifelong friends. And more often than not they credit the School for much of their professional success.

As a result, most of these graduates have agreed to invest in the Law School by participating in our Leadership Gift Campaign. (A Leadership Gift is contribution of \$500 or \$1,000, accompanied by a pledge to make

that gift in each of the next three years.) When circumstances have precluded particular graduates from making a gift at this level, they have in nearly every case made a significant contribution to the Law School Annual Fund. The willingness of so many of our graduates to support the School with their hard-earned dollars gives me great confidence in our future.

I cannot emphasize how important these gifts are to our continued success. Like all private schools, we are and will remain primarily tuition-dependent. While there are many forces that transform a good law school into a great law school, one critical catalyst is alumni/ae financial support to supplement tuition dollars.

I am committed to using Annual Fund gifts from graduates and friends solely for improvements that enhance the quality of the education we offer. In the past several years, for example, these gifts have helped to fund student scholarships, the Alumni/ae Lecture Series, and faculty research grants. They have allowed us to purchase books for the library, computers and software for the student computer lab, and furniture for the Student Lounge, the Law Practice Clinic, and the Weyerhaeuser Reception Area. In every phase of our program, they are making a difference.

Because Joan and I have found our "on the road" visits with alumni/ae so productive, we intend to continue them indefinitely. Since it is impossible for us to make personal calls on each of more than 4,500 graduates, we attempt to identify a cross-section so we secure a variety of perspectives on the practice of law and on legal education.

In this way, we hope to establish a continuous dialogue between our alumni/ae and the School. If you would like to participate in that dialogue, please give Joan or me a call at 206-591-2273. We would be delighted to visit with you.

—Jim Bond



Dean Jim Bond



# IN 10 YEARS WE'VE SEEN MASSIVE CHANGES IN HOW THE LAW LIBRARY AND USERS DO THEIR WORK: HANG ON, THE BEST IS YET TO COME

Smart paper, powerful new chips, artificial intelligence routines, and library-in-a-box...



This is the third in a series of articles written by our research librarians as an aid to graduates in practice.

The Class of 1982, which celebrates its 10th reunion this year, was the last graduating group with experience at the law school building on South Tacoma Way. As students, they had both a view of the school's past and a glimpse into its future.

The move to downtown Tacoma was an exciting time for faculty, staff, and students alike. Those of us in the library looked forward to a beautifully refurbished building with four spacious levels to house materials that were previously crammed into one floor, an upstairs reading room, and an annex location near the B & I. The relocation also signaled a transition in how the library and its users would do their work.

Today, changes are evident almost everywhere you look.

CD-ROM technology has revolutionized the way we function. This system is similar to the compact discs that are now the prevalent medium for audio. As a storage device for text, a CD-ROM disc has an incredible capacity of a half a billion bytes, or the equivalent of 275,000 typed pages. Indexes in this format abound in the Reference area. The card catalog, which formerly resided in a large wooden box, is now available on two compact discs. In one corner of the reference room, we are testing a new product called CD-Law, which provides in compact disc format 40 years' worth of Washington cases in addition to statutes and regulations.

Many of you early WESTLAW users will probably recall when the list of databases occupied three screens or less.

With over 2,000 files each, both WESTLAW and LEXIS have grown significantly in size, improved markedly in performance, and have dramatically increased in accessibility. Not only has the library added six additional terminals for both systems, but each vendor has also given all currently matriculated second-, third-, and fourth-year students their personal passwords. These can be used at any workstation in the building or at home with software provided free of charge. The law library in a box has practically arrived. Dylan was right. The times they are a-changin'.

Computer-assisted-legal instruction (CALI) has also taken a turn for the better. Many of you might remember that in 1979-80 this service was available only by dialing into the University of Minnesota computer through the old DEC terminal that ran at an incredibly slow rate of speed. Phone problems aside, it could take several hours to run through one program. Now all of the CALI series come on floppy disks for home use.

In addition to these programs, there are lessons available on interactive video disks. This enables you to follow the examination of a witness on a television monitor. The system stops at various times to ask you questions about evidentiary issues that have arisen, and an attached computer screen displays the possible solutions from which you make a selection. The judge then comes back on the screen and rules on the question. The high production values used in this product and other video exercises result in a realistic, enjoyable learning experience.

Many of you will also recall that when you wanted to use a typewriter, you went to the SBA office or brought your own. Beginning in the early 80s, the law library started to offer word processing for student use on two IBM-PCs that were installed in the microfilm room. Now we have more than 40 computer terminals in a lab on the mezzanine level. Some of the units are equipped with the very latest Windows-based software running on 386 workstations.

What's on the horizon for the near and not-so-distant future of computing?

For one thing, book resources will continue to migrate to a new electronic container. One of the more intriguing examples is the emergence of the electronic casebook. According to the Spring 1991 issue of CALI Report, this new publication may consist of two parts, a CD-ROM disc and a casebook on a floppy. The CD-ROM disc would contain frequently used supplementary materials such as cases, statutes, and regulations. The actual casebook would take the form of a floppy disk that would extract materials from the supplementary or mother disk and present them along with commentary. This same product could also be used to deliver information at different levels. For example, it could function as a study outline or, enhanced with additional information, resemble a hornbook. With the addition of forms and checklists from the mother disk, it could be a useful resource for the practitioner. To get around the cost for additional hardware, WESTLAW or LEXIS could serve as the repository for primary source materials with some additional programming.

For closet computer phobics or those of you who have never cultivated a desire to type, you might find a solution to your dilemma in one of the pen-based systems that are beginning to emerge. Using an electronic stylus, you write on "smart paper" with electronic ink. The computer stores the strokes which you can later bring into your favorite word processor or electronically transmit to any location in the world. Smart paper will also perform real time spell checks or complete a calculation as you enter numbers on the screen. It will even sharpen a drawing as you begin to trace rough lines or circles.

Translating your handwriting into a regular text file is still a couple of years away, but that improvement will lead to even broader acceptance of this technology. For the foreseeable future, the industry will be dominated by two competing operating systems, Go's PenPoint and Microsoft's Pen Windows. Many manufacturers are building hardware that will run either operating system and Momenta Corporation has just introduced a new product that offers both keyboard and electronic pen capabilities on a notebook-size machine.

Since our early experiments with computing at the Law School, we have seen an explosive growth in the ability of the personal computer to store and process information. A 80486 PC is already the equivalent of a 1982 mainframe, and more is yet to come. Scheduled for the second quarter of 1992, the new Intel 586 chip will execute 100 million instructions per second, more than twice that of the best performing 486 on the market today. As with all new innovative technologies, machines using this chip will be costly at first, between \$15,000 and \$20,000 a copy. At that price, it won't be the desktop machine of choice, but at first will function primarily as a network server. It's only a matter of time, however, before it becomes a desktop accessory. A machine with that kind of performance will almost naturally be placed in the service of software that employs processing-intensive artificial intelligence routines. The smarter the machine gets, the easier all matter of computing will become for the user.

In the final analysis, what can we look forward to in the mid-Nineties?

Larger, flatter monitors to accommodate a more graphically oriented computer environment. Smaller, more powerful central processing units that support multimedia applications including sound. Sophisticated word processing programs that reside on smaller, 2-1/2 inch hard drives with 300 megabytes of storage as standard equipment. Computing is undergoing a rapid metamorphosis. British Columbia futurist Frank Ogden speculates that "Ninety percent of everything you will interact with ten years from now hasn't been developed yet." That certainly proved true for the UPS law students of 1979-82.

Congratulations, Class of '82!

—Bob Menanteaux

## SOME USEFUL GEMS FROM OUR STACKS

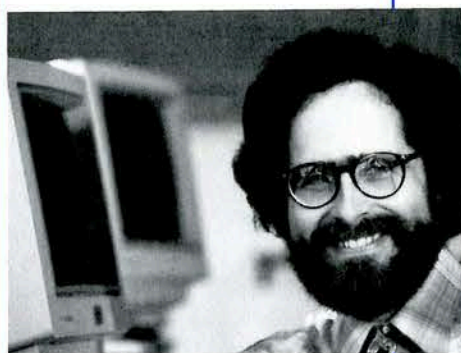
With an eye to what's useful to attorneys in practice, our bibliographical services librarian Suzanne Harvey suggested the following works:

- Arndt, Robert J. *Managing for Profit: Improving or Maintaining Your Bottom Line*. Chicago, Ill.: American Bar Association, Section of Law Practice Management, 1991. 99 p.
- Arndt, Robert J. *A Model Chart of Accounts: an Expandable Structure for Law Offices*. Chicago, Ill.: American Bar Association, Section of Law Practice Management, 1990. 91 p.
- Bridewell, David A., editor. *The Lawyers Guide to Retirement: Strategies for Attorneys and Their Firms*. Chicago, Ill.: Senior Lawyers Division, American Bar Association, 1991. 225 p.
- Buchanan, Arleen E. *Voice Messaging Systems: an Overview for Law Offices*. Chicago, Ill.: American Bar Association, Section of Law Practice Management, 1991. 55 p.
- Coulter, Charles R. *Practical Systems: Tips for Organizing Your Law Office*. Chicago, Ill.: American Bar Association, Section of Law Practice Management, 1991. 89 p.
- Denney, Robert W. & Carol Scott James. *Action Steps to Marketing Success: How to Implement Your Marketing Program*. Chicago, Ill.: American Bar Association, Section of Law Practice Management, 1991. 67 p.
- Foonberg, Jay G. *How to Start and Build a Law Practice*. 3rd Ed. Chicago, Ill.: American Bar Association, Law Student Division, Section of Economics of Law Practice Management, 1991. 359 p.
- Greene, Robert Michael. *Making Partner: A Guide For Law Firm Associates*. Chicago, Ill.: American Bar Association, Section of Law Practice Management, 1992. 121 p.
- Radoff, Perry J. *A Short Course on Personal Computers*. Rev. ed. Chicago, Ill.: American Bar Association, Section of Law Practice Management, 1992. 49 p.

One government report:  
*A Report on the Glass Ceiling Initiative*. Washington, D.C.: U.S. Dept. of Labor, 1991. 25 p.

And two good CLE publications:  
*The Attorney-Paralegal Team: Making It Work & Making It Pay: Friday, August 23, 1991*. chairpersons, Carol Randall & Christopher Pence. Seattle, Wash.: WSTLA Legal Educational Seminars, 1991. 657 p.

*Attorney Fees in Washington: Annotated Statutes, Cases and Commentary*. Philip A. Talmadge. Redmond, Wash.: Butterworth Legal Publishers, 1991. 310 p.



Bob Menanteaux



Suzanne Harvey



# FROM INTERPRETING SACRED TEXTS OF CHINA TO REGULATING WETLANDS IN WASHINGTON OUR FACULTY'S VIEWS ARE ABLY EXPRESSED



A sampling from an active group...

Some highlights from the many activities our faculty members have reported in recent months appear below.

**Janet Ainsworth's** article titled "Re-Imagining Childhood and Reconstructing the Legal Order: The Case for Abolishing the Juvenile Court," appeared in the *North Carolina Law Review*. Her article on "Interpreting Sacred Texts: Constitutional Discourse in China," was the lead article in the January 1992 issue of *Hastings Law Journal*. She spoke on the subject earlier at a Law and Society Association Conference in Amsterdam, Holland. She currently serves on the Washington State Department of Community Development's Indigent Defense Advisory Committee.

"Offenders Abroad: The Need for Nationality-Based Criminal Jurisdiction in U.S. Law," an article by **Geoffrey Watson**, appeared in the *Yale International Law Journal*.

A book by **Douglas Branson**, *The Board of Directors*, will be published this year by Callaghan and Company. His article, "Prescience and Vindication: Federal Courts, Rule 10b-5 and the Work of David S. Ruder," was the lead article in an issue of the *Northwestern Law Review*. In February, he spoke on "Collateral Participant Liability Under State Securities Law," at the annual Pepperdine Law Review Securities Law Symposium, Malibu, California.

Adjunct professor **Margaret Armancas-Fisher**, whose *Teaching the Bill of Rights to Upper Elementary and Middle School Students*, and *Washington Supplement to Street Law*, 2nd edition, were published in 1991, is currently editing *Teaching Law Students to Teach* for West Publishing Company.

**David Skover** completed articles on "Political Question Doctrine" and "State Action Doctrine" for the *Encyclopedia of the American Constitution*. His article "Paratexts" will appear as the lead article in the *Stanford Law Review* later this year. In March, he was a visiting instructor for the NEH project, "Liberty and Responsibility in Democracy," at Pacific Lutheran University.



David Skover

An article by **John Weaver**, "Fear and Loathing in Perpetuities," appeared in the fall issue of the *Washington and Lee Law Review*.

**Annette Clark** spoke on "The Patient Self-Determination Act: Legal Issues at the End of Life" at an ethics workshop sponsored by Good Samaritan Hospital.

**Kenneth Wing** wrote "The Supreme Court's Spring Term: Abortion, the Right to Die, and the Decline of Privacy Rights," for the *Journal of Health Politics, Policy and Law*. His article, "Speech, Privacy, and the Power of the Purse: Lessons From the Abortion 'Gag Rule' Case," a report for the Congressional Office of Technology Assessment, appears in an issue of the same journal. Along with Professor **Annette Clark**, he has organized the Annual Health Law Teachers Conference to be held in Seattle in May. In March, he spoke at a symposium on Public Health Developments at the Centers for Disease Control in Atlanta on the subject of "Government Power in an Era of Judicial Conservatism."

In January, **Melinda Branscomb** addressed the annual Law and Medicine Symposium on the topic of "Sexual Harassment in the Medical and Legal Professions." The symposium is sponsored by an organization

of Washington doctors, attorneys, and others in the medical and legal professions, who aim to improve understanding, communications, and relations between the professions.

**John Mitchell** spoke at a program on dealing with unprofessional adversaries for the Washington Women Lawyers, and lectured on professional responsibility for a WSBA skills training course.

Professor **John Strait** presented a series of workshops on trial skills and a lecture on closing argument techniques at Yeshiva University's Benjamin N. Cardozo Law School, where his lecture was recorded for the Courtroom Television Network.

**David Boerner** chaired a panel at a symposium of national and local speakers which he helped organize on the subject "Predators and Politics: A Symposium on Washington's Unique Sexual Predator Statute." He also addressed several groups on ethics including: a Continuing Legal Education seminar for Seabury & Smith; the annual Bench/Bar/Press Conference of the Washington State Bar Association; and the annual conference of the Office of the United States Attorney, Western District of Washington.

**John La Fond**, whose book, *Back to the Asylum: The Future of Mental Health Law and Policy in the United States* will be out soon from the Oxford University Press, appeared in a documentary called "Circle of Fear," produced by station KCTS in Seattle, and was interviewed for the CBS television program "48 Hours," on the subject of the state's sexual predator statute. He appeared before the Washington State Supreme Court on behalf of the American Civil Liberties Union, and filed an amicus brief in support of appellants Andre Brigham Young and Vance Cunningham, detained under the provisions of the statute. He also served as co-organizer and moderated a panel at the Law School's symposium on the sexual predator statute that occurred in March. His discussion of the statute, "Washington's Unconstitutional Response to Sexual Predators," appeared in the *Los Angeles Daily Journal*.

Professor **James Beaver** wrote "Current Status of Lay Share Wage Claims in Admiralty," for the *Fordham International Law Journal*. He spoke to the Tacoma-Pierce County Bar Association on "Some Recent Developments in the Washington



## PUGET SOUND PROFS OFFER HELP ON THE 3 R'S OF CONFLICT

**Sheldon Frankel** is president of the board of directors of the newly created Conflict Resolution, Research and Resource Institute (CRI). CRI conducts research into the nature and causes of conflict and various approaches for its prevention, management and resolution. In addition, the organization will conduct education, training and intervention services on local, national and international levels, particularly in the areas of negotiations and mediation.

An early project of CRI will be the establishment of a Tacoma-Pierce County Center for Dispute Resolution (CDR) to provide training to community-based agencies, public sector officials, and court personnel in negotiations, mediation and cross-cultural communications. CDR

will also provide mediation services to the community through the use of trained and certified volunteers. The Dispute Resolution Center grew out of the efforts of **Betsy Hollingsworth**, director of the Law School's Clinical Program, and of Pierce County community leaders who participated in the American Leadership Forum's first Pierce County class. Hollingsworth, a CRI board member, cites **Mark Dynan '81** for his participation on the Dispute Resolution Center Board.

Imminent projects for CRI include participation with the St. Petersburg Russian-American Program of Conflictology, which includes development of a children's creative conflict program, environmental negotiations and mediation projects, training

elected and appointed government officials, and an international news media conflict resolution project.

CRI will also develop certification criteria for negotiations and mediation practitioners in both the national and international sectors.

Executive Director of CRI is adjunct professor **Bill Lincoln**, who has extensive credentials in negotiations and mediations: as a trainer on a regular basis at the Federal Executives Institute in Charlottesville, Virginia; in Hungary, Nicaragua, Pakistan, Russia and elsewhere in the Soviet Union; and for the national governing board of Solidarity in Poland. He co-teaches negotiations with Professor Frankel at the Law School.

Law of Evidence," and, in the fall, he served on the Pierce County Council Redistricting Committee.

Dean **Jim Bond** is serving as president of the City Center Area Council of the Tacoma-Pierce County Chamber of Commerce, on the board of directors of the Local Development Council, chairs the Theater District Foundation Committee, and is on the Board of Directors of the Broadway Center for the Performing Arts. He also serves on the Academic Freedom and Tenure Committee of the Association of American Law Schools.

In February, **William Oltman** spoke to the Estate Planning Council of North Central Washington on the subject, "Community Property Agreements."

**Wallace Rudolph**, who chaired the Pierce County Council Redistricting Committee, served as constitutional advisor to the term limits campaign, and drafted the new initiative for limit on ballot access that will appear on the 1992 ballot, collaborated with Janet Rudolph in writing "The Evolving Role of the Supreme Court in Constitutional Adjudication: A Study in Contexts," for the *Memphis State University Law Review*. He served as guest commentator on KING, KIRO, and the "McNeil Lehrer News Hour," on the topics of term limits, abortion picketing, and federal jurisdiction.

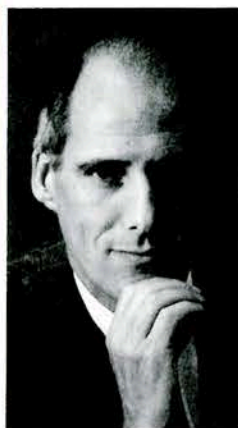
Adjunct Professor **Steven Koda** published an article on "Software No Longer Needs Hardware to be Patented," in an issue of the *San Jose Business Journal's* software magazine section.

**Thomas J. Holdych** recently wrote an economic and legal critique of the Used Motor Vehicle Warranty Act that was to be introduced during the current session of the Washington State Legislature by the Attorney General's Office.

Serving on the Washington Public Trust Doctrine Advisory Committee of the Washington State Department of Ecology is **Richard Settle**. He recently completed "An Overview of Federal Wetlands Regulation," chapter 2 in *Wetlands 1991* published by CLE International, and "Recent Developments in Land Use Law," chapter 6 in *Hanging in the Balance* for the Washington State Bar Association.



Janet Ainsworth



Richard Settle



John Mitchell



Sheldon Frankel



Betsy Hollingsworth



# TWO 1985 GRADUATES SQUARE OFF DURING THE STATE SUPREME COURT'S ANNUAL VISIT TO THE LAW SCHOOL

*Case may impact legislation across the country...*

This was no academic argument, but at times the opponents must have recalled the days when their sparring was just that.

In this corner, **Cheryl F. Carlson '85**, assistant city attorney, arguing that the Tacoma city ordinance that makes "drug loitering" a crime is neither unconstitutionally vague nor overbroad and urging the Washington Supreme Court to let stand the conviction of John Luvene.

And in the other corner, opposing counsel **Dino G. Sepe '85**, from the Pierce County Office of Assigned Counsel, arguing

that the crime of "drug loitering" as defined in Tacoma Municipal Code section 8.72.010 is an infringement of his client's constitutional rights and that the conviction should be overturned.

It was the final case on a three-case docket when the Washington State Supreme Court came to the Law School earlier this school year, as they do each year, to provide a legal learning experience for students and the public.

Carlson's spirited defense, seen in photographs on this page, was her first argument before the high court, and it took place in the familiar surroundings of room 501

of the Law School. Arguing with Dino Sepe was nothing new, however. "I've known Dino since the first year of law school. We debated all sorts of fun questions when we both worked in the UPS law library as students," she said in an interview. "And what a fun place it was. Susan Kezele and Bob Menanteaux were just great to work with, and we all felt we could go there to unwind and relax. We had good times there," she said.

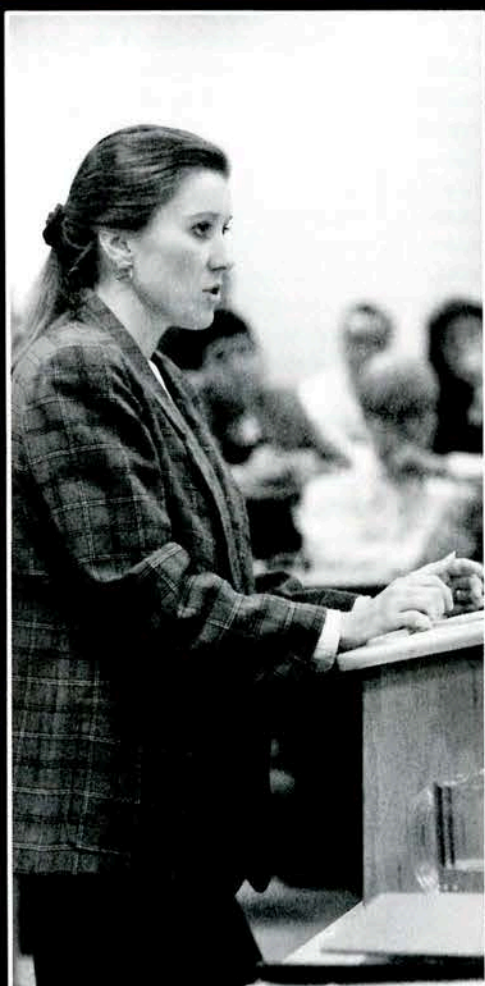
After law school, Carlson went into private practice, but in September 1988 she "got an offer I couldn't refuse," from the city attorney's office. She was first as-

signed to the police department investigations unit, and now serves as a sort of general counsel for the police department on all variety of matters, and on assignment handles tort claims for numerous other departments. A year before her first Supreme Court argument, she wrote an amicus brief in the case of *Rosner v. City of Bellevue*.

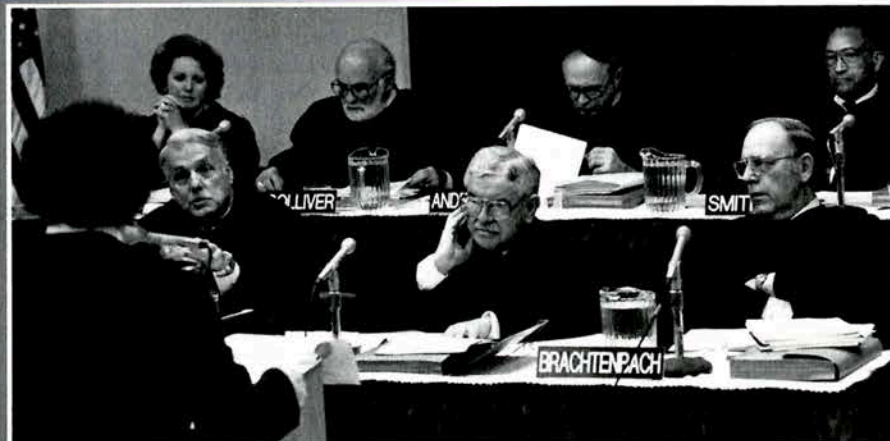
Appearing before the justices wasn't particularly stressful, she said, because she's met most of them at professional meetings and in other ways. She knows 1976 Puget Sound graduate Justice **Charles Johnson** as "a real down-to-earth person and the

owner of Jason the Rottweiler, who lives kitty-corner across the street from my in-laws." But she did have some butterflies in this instance, she said, "because it's such an important case and is going to impact legislation all across the country. Tacoma was the first city in the nation to enact this type of drug loitering ordinance and we've gotten calls about it from people throughout the country."

The decision in the case of *City of Tacoma v. John Luvene* was still pending when *Lawyer* went to press.



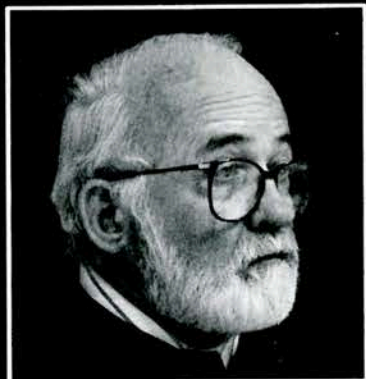
Arguing that state drug laws do not prohibit the City of Tacoma from making drug loitering a crime, and that the city code is neither unconstitutionally vague nor overbroad, **Cheryl Carlson '85** gave an animated defense of Tacoma Municipal Code section 8.72.010.



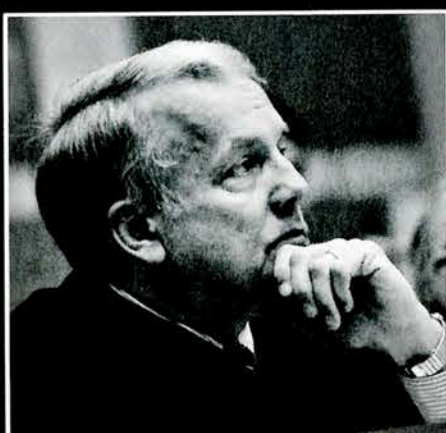
Undergoing some probing questions from Justice **Robert Utter** is **Dino Sepe '85** from the Pierce County Department of Assigned Counsel who was representing John Luvene.



Justice **Robert Utter**, adjunct professor, teaches a constitutional law seminar at the Law School and serves on the Board of Visitors.



Justice **James Dolliver**, adjunct professor, teaches appellate advocacy at the Law School and serves on the Board of Visitors.



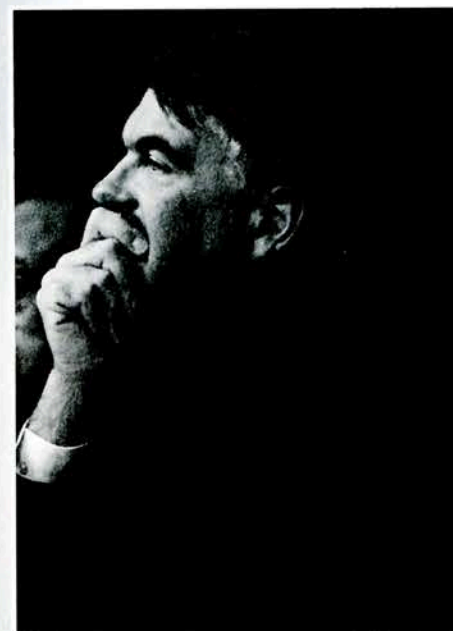
Justice **Robert Utter**



**Dino Sepe '85**



Justice **Charles Z. Smith** and Justice **Charles W. Johnson '76**.





# WASHINGTON'S TRIAL LAWYER OF THE YEAR Is POLITE, KIND, THOUGHTFUL & ARTICULATE AND YOU DON'T WANT TO GO UP AGAINST HER

Through her cases, she's making important changes...

If you've never thought of law as a helping profession, you've never met **Elaine Houghton (Bulley)** '79, 1991 Washington Trial Lawyer of the Year. And if you think that successful trial attorneys have to be aggressive, pushy, hard-charging, win-at-all-costs types, you've never seen this polite, kind, articulate woman patiently detailing a case or respectfully addressing a judge or jury.

Counsel in recent years on some of the state's most significant tort cases, Houghton sees the practice of law as an extension of her career as an emergency room nurse. In her law practice, where she handles cases dealing with product liability, medical malpractice, and premises liability, she again ministers to people who have been badly injured. The courtroom, however, gives her what the emergency room never did: the ability to make changes that go far beyond merely alleviating pain.

"Something that bothered me terribly about being an emergency room nurse was seeing people who were so horribly injured and not being able to do much about it," she said. "Now the cases I take generally prove a principle overall and make changes so that people won't end up in emergency rooms."

"It's much better for people never to have been injured than to give them money to compensate them for their hurt," she said. "The cases based on principles that reach beyond a particular client, principles that make a difference to society, are the cases I'm really proud of. And I'm proud to be able to have clients who really do believe in the principles as strongly as I do."

Three of Houghton's well known cases illustrate her concern to transcend particular injuries and effect changes that will protect others from harm: *Morrison v. State of Washington*, 1988; *Casteel v. United Bank*, 1990; and *Ayers v. Johnson & Johnson*, 1991.

The Casteel case, a premises liability case in which Houghton appeared as co-counsel with Tacoma attorney Monty Hester, involved a woman stabbed while in the parking lot of her employer in downtown Tacoma. "There was a \$5.4 million verdict in the case," she said. "After the suit was filed, security in downtown Tacoma increased considerably, and after the verdict, it really improved. We feel that was a very valuable case."

The case of *Morrison v. State of Washington* is "one of the cases I've been proudest of over the years," she said. Brought on behalf of the parents of a child who drowned while at the Rainier School for the Disabled in Buckley, the suit resulted in a half-million dollar verdict. "And the parents put aside a portion of their recovery so that the safety measures that we had argued were necessary would be instituted at the school. And I'm really proud of the fact that my clients did that," she said.

"The jury never knew that was the parents' intention. They had always intended to do it, but they wanted to win fair and square, so to speak. But the parents wanted to see that this didn't happen to anyone else."

In the recent case against Johnson & Johnson, Houghton won a \$2.5 million judgment, plus \$1 million in interest, in connection with brain damage suffered by a 15-month old boy when he aspirated baby oil. Houghton successfully argued before the Washington Supreme Court that the company should have placed a warning label on the bottle. When the suit was filed, Johnson & Johnson put a safety tip on the label, but has yet to add a warning label.

"Our hope is that people will recognize that this particular product has dangers associated with it that they wouldn't otherwise have recognized, and that there won't be any more lawsuits because no one will be hurt. That's our intention," she said.

"If you look at all three cases, you can see a principle that goes beyond a particular plaintiff, and a result that will make a difference for other members of society."

"I strongly believe that the legal system does make a difference for society and that changes do take place as a result of the legal system," she said.

Citing news reports of recent litigation involving silicone breast implants, Houghton noted that important information came out not from Dow Corning or the FDA, but from a lawyer taking on a major corporation and winning. "I've done a number of drug company cases over the years," she said, "and they all have certain things in common. There's always information available to the company that is not passed on to the consumers."

Houghton's career as a trial attorney began with "an extremely powerful mentor who thought I would be a good trial lawyer and who didn't believe that the image of the hard-charging attorney was necessary in the courtroom," she said. Now in a sole proprietorship in Tacoma, Houghton practiced with that mentor, Alvin Anderson, in the Tacoma firm of Anderson, Holman and Houghton from 1984 until Anderson's death in 1990.

Her first practice was in Fairbanks, Alaska, where her husband was stationed while in the military. She went to Alaska after completing law school in two and a half years. "I never anticipated I would be a trial attorney. But I had interned with Alvin Anderson before I went to Alaska, and I worked with a very strong lawyer in Alaska as well."

Asked if she thinks women are discouraged from becoming trial attorneys, Houghton quickly responds: "That's not my opinion. I think that people who don't fit the mold—the style expected of litigators—are discouraged from it. Law professors and lawyers already in practice too often believe that a litigator is someone who has to be pushy and aggressive, and they frequently associate those characteristics with males. And anyone whose attributes don't fit that mold is not encouraged to become a litigator. But I'm living proof that you do not need those attributes to be a successful trial lawyer. I'm very careful about the way I dress and I don't dress like a litigator. And I'm polite and kind."

Just how far from the macho mold has Houghton appeared?

In one case, she was six months pregnant at the beginning of the trial and nine months pregnant at the end of the 13-week trial. "It was not supposed to go that long," she noted. "As the weeks went on, I got further and further from counsel table, and I went into labor 36 hours after the verdict."

When asked if she wasn't sometimes scared by the aggressive corporate litigators, Houghton laughed and replied, "Never, because I have right on my side."

"You know, I was an emergency room nurse for several years and I had to listen to all those doctors. I guess nothing intimidates me. I'm just going to keep on doing what I have to do."

"And I believe very strongly in the jury system," she added. "Juries are very perceptive and intelligent in terms of what they are presented with and how they react to it. Just because someone bluffs and blusters his way through a trial doesn't mean he's going to win."

Houghton estimates that she takes about one in ten cases of the liability and malpractice complaints that come to her. "I'm very fortunate that I have the funds and the resources to take the cases I want," she said.

Houghton lives in Puyallup with her husband, Bill Bulley, and daughters Sarah, 8, and Anna Liese, 7.

"I want to tell women in law that you really can do it all and have a normal life," she said. "But you have to be careful about what you choose to take on. I think each of us who practices law needs more than just our law practice as our responsibility. I think it is important to give back, to help out at the law school, to serve as mentors, to be active in bar associations and other groups."

In addition to being named Trial Lawyer of the Year by the Washington State Trial Lawyer's Association, Houghton was elected second vice president for judicial affairs for the 2,900-member organization, the largest voluntary legal organization in the state.

—Carole Schaffner



Elaine Houghton (Bulley) '79





## McNAMARA: LAWYERS SHOULD BE LEADERS AND MODEL CITIZENS

*Heads group of young lawyers...*

**D**onna McNamara '85, is the current chair of the 1,700 member Young Lawyers Division of the Seattle-King County Bar Association. SKCBA members belong to YLD if they are either under the age of 36 or have less than five years in practice. She became involved with YLD shortly after being admitted to the bar and initially served on its Childcare and Parenting Committee. She was elected to the board in 1989, and served as treasurer and vice-chair before becoming the chairperson in July 1991. Because the membership is constantly turning over, YLD has provided opportunities that McNamara feels she might not have gotten in the parent organization. For instance, it's easier to get on committees and to gain experience in planning programs or seminars.

McNamara's participation in SKCBA-YLD and its activities—for example, neighborhood legal clinics, producing the *Washington Lawyers Practice Manual* and King, Pierce and Snohomish County Judges Books—stems from her belief in volunteerism and in the ideal of the lawyer as a model citizen and leader. As she puts it, "I've become reacquainted with Robert's Rules, how to produce a budget, and how to keep most people happy, most of the time."

Another reason McNamara became active in SKCBA-YLD is to counter the bad public image

that lawyers have. SKCBA-YLD is a community of like-minded folks who care about their communities and about the legal profession. McNamara's belief in SKCBA and its mission are strong. After her term as chair ends in July, she plans to become involved in the parent organization.

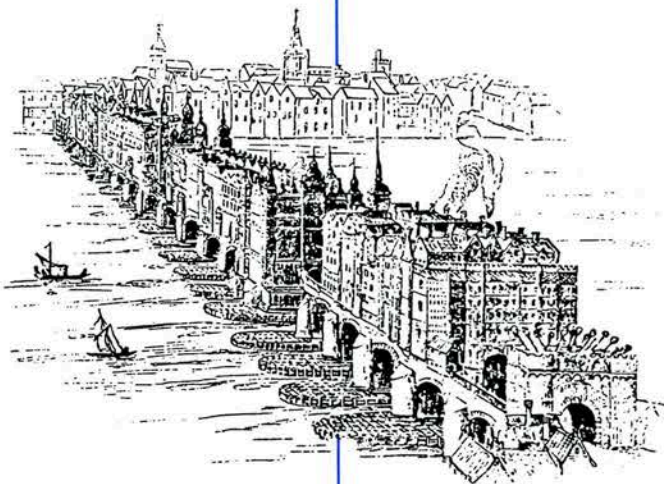
After six and a half years as a clerk to Judge Scholfield of the Washington Court of Appeals, Division I, McNamara is establishing a solo practice in Pioneer Square in Seattle. The decision to leave the Court of Appeals was prompted partly by Judge Scholfield's upcoming retirement and partly because McNamara "felt out of touch with the trenches."

But why fly solo? McNamara has watched too many classmates become disenchanted with the law when firms demanded too many hours of their lives and forced them to pigeonhole their practices. She wanted the ability to control her time and her practice. She thinks that a diligent search could have yielded the right position, but given the economy, didn't think that was too likely. And she says that the happiest lawyers she knows are those in solo practice. So, early this year, she hung out her own shingle as a general practitioner.

—Erica Lim '92



Donna McNamara '85



## DRIGGERS IS BALFOUR SCHOLAR

*For final hurdle...*

**I**nternational legal fraternity Phi Delta Phi recently awarded John Driggers '92 a 1991-92 Balfour Scholarship. Driggers was one of 12 students selected from more than 100 nominated for the \$2,000 award by the fraternity's many chapters throughout the nation. In addition to maintaining a grade point average of 3.42 for each of his two years of study, John has been on the Dean's list, holds a Louis Musek Memorial Scholarship, and has received an American Jurisprudence Award in Contracts. Fraternity executive director Sam S. Crutchfield noted that competition "was extremely stiff this year," for the awards, which are based on scholastic merit as well as service to the school and fraternity. At our Law School, membership in the fraternity tripled in one semester, in part as a result of Drigger's efforts.

A major in the U.S. Army Reserve, Driggers spent 14 years on active duty before entering law school. The summer after his first year, he was called to active duty to prepare technical publications in support of Desert Shield and was released from duty the Saturday before classes resumed in the fall.

Saying he was "proud to be nominated by the province president and selected by the Court of Appeals," Driggers noted that he intends to use the \$2,000 to help him over "the last formal hurdle." He'll pay for a bar review course and for his application to take the bar exam. Following the bar exam, he plans to travel in Europe for a few months before returning to Seattle and a position as tax associate with the firm of Deloitte & Touche.



John Driggers '92

## TURNING POINTS: MONTHLY ASKS JUDGES TO RATE ATTORNEYS

*"Most courteous, best prepared..."*

**W**hen the monthly *Washington Law* decided to "turn the tables on the bar's judicial ratings and give judges a chance to speak their mind," 100 judges were asked to name the "most courteous, the best prepared, and the most successful lawyers who practice in their courtrooms."

The *Washington Law* Judges' Choice Awards were meant to "reward and encourage good behavior by example, not punish the wicked," the monthly noted. What emerged from the poll was that judges, unimpressed by an attorney's adeptness at winning, were concerned most with issues of preparedness, professionalism, and courtesy.

Among those people "doing work judges appreciate" were two 1974 graduates of UPS. Congratulations to Stephen Hayne and Janet George. Below are the descriptions of them that appeared in *Washington Law*.

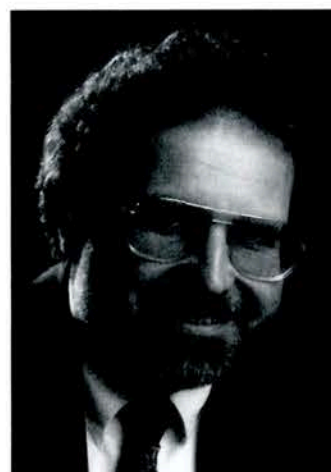
### STEPHEN HAYNE '74

Bellevue attorney Stephen Hayne is clearly well-respected by a number of judges. "When he's in court, he always has a firm grasp of the facts," says one. Another puts it more bluntly: "If I were to get a DWI, I think I'd want him on my side."

Hayne's criminal defense work is primarily DWI cases, but he has argued hundreds of cases before juries and defended everything from capital murder to speeding tickets.

Practicing with the Bellevue firm of Cowan, Hayne & Fox, Hayne has been in criminal law since his graduation from University of Puget Sound Law School 17 years ago.

"I wanted to be where the action was, I guess," he says of his particular expertise. "I'd never be able to do office work, I much prefer to be in the courtroom. I need to be involved in creative things, interesting things, pushing the boundaries and always being challenged."



Stephen Hayne '74

Hayne was a founding member of the Washington Association of Criminal Defense Lawyers and speaks at three or four criminal law seminars every year. A few years ago he was named most-requested speaker in a poll on criminal law topics.

"I enjoy teaching young lawyers the pitfalls of law," says Hayne. "I've made every mistake that could ever be made. But I've survived and learned to really enjoy it. I love being in a courtroom."

### JANET GEORGE '74

Seattle attorney Janet George's unique relationship with family law began on the other side of the legal fence. After receiving her master's degree in nursing from the University of Washington, George did extensive work in the field of psychology. She gained a great deal of experience for her future calling by working as a marriage counselor and taught for a short time at UW in the late '60s.

George received her law degree from the University of Puget Sound in 1974. The criminal division of the King County Prosecutor's Office was the beneficiary of her blend of law and psychology for two years shortly after her graduation. She spent most of 1979 working for prominent Seattle divorce lawyer Wolfgang Anderson who she credits as a guiding force in her dedication to family law.

Since 1980, George has been a sole practitioner who specializes in large, long and complicated cases. "She doesn't argue points just for the sake of argument," says a judge who recognizes her professionalism. "She always concentrates on what's relevant and seems to be able to decide the important facts in every case."





# ALUM NOTES: LEGAL AND LITERARY HIGHLIGHTS ARE RECOUNTED, JOB CHANGES REPORTED, AND ONE LUCKY LAWYER WON THE LOTTERY

*And would you believe, he's phasing out his practice?*

**W**e are always pleased to hear about the diverse projects that Puget Sound Law alumni/ae pursue. We encourage you to use the form in this issue to send in your news.

The ABA Family Law Section will benefit from the expertise of **Katherine Hunt Federle '83** who was recently appointed to its Committee on Juvenile Law and the Needs of Children. Well versed in these issues, Federle lectured on interviewing child witnesses and on discovery in juvenile cases at the National Association of Counsel for Children National Conference. She also presented a paper titled "Special Issues in Juvenile Justice: Gender, Race, and Ethnicity" at the American Society of Criminology Annual Meeting. Federle is a professor at Tulane University Law School.

**Richard Todd Okrent '85** has joined the Edmonds, Wash., law firm of David Anthony Kastle. Okrent was a deputy prosecuting attorney in Snohomish and Island counties prior to joining the firm. He will practice family, general civil, and criminal law.

The Romance Writers of America has awarded its Golden Heart/Rita Award to **Kristin (John) Hannah '86**. The award is given annually to an unpublished author whose manuscript is most promising. As part of the award, Hannah's novel, *A Handful of Heaven*, was published last October.

In other literary news, **Jan David Tissot '85** recently published his third volume of poetry *Crow Speaks*.

**Roy A. Umlauf '85** and **John P. Hayes '91** have joined the Seattle firm of Bradbury, Bliss & Riordan. Umlauf, a partner in the firm, will continue his insurance law and liability practice. Hayes, formerly the vice president of administration for Lockheed Shipbuilding Company and compliance director for the Puget Sound Air Pollution Control Board, will practice maritime and environmental law.

Revelle, Ries & Hawkins in Bellevue has announced that **W. Jeff Davis '81** and **Timothy X. Sullivan '79** have joined the firm. Davis' practice will focus on debtor-creditor/bankruptcy law and taxation. He is admitted to practice in Washington and Idaho and holds a master of laws degree in taxation from Boston University. Sullivan will emphasize commercial litigation, family law, criminal investigations and criminal defense. Prior to joining Revelle, Ries & Hawkins, Sullivan was a shareholder at Karr Tuttle Campbell and a deputy prosecuting attorney for King County.



Timothy X. Sullivan '79

**V. Lee Okarma Rees '84**, formerly of the Washington Attorney General's Office is now of counsel with Graham & Dunn in Seattle. Co-author of The National Association of Attorneys General *Guide on Oil Spill Response*, Rees will practice in the area of environmental litigation.

Clark Boardman Callaghan of New York City has selected **Philip Hornik '76** to be the update editor for the treatise *Immigration Law and Defense*. The

treatise was originally written by members of the National Immigration Project of the National Lawyers Guild. Hornik is in private practice emphasizing immigration law in Portland, Ore.

Oxfam U.K. has appointed **Robert Maletta '81** to be its country's representative in the Sudan, North Africa. He will direct development and relief programs and will be based in Khartoum.

Recent graduate **Young M. Suhr '91** has set up his own practice, Wagner & Suhr. Personal injury, immigration, and contract cases are keeping him busy.

Among the moves to new firms: **Petrea M. Knudsen '91** is newly associated with Reed McClure in Seattle. **Ned Sato '88** has joined LeSourd & Patten as an associate. **David Goodson '89** has joined Davies Pearson in Tacoma and will practice in personal injury and family law.

**Dennis McLerran '82**, who headed Seattle's Department of Construction and Land Use for the past three years, has become city attorney for Port Townsend. Mayor Norm Rice praised McLerran for operating his department in the black despite the slump in construction permit revenues that has troubled other land use agencies in the past year.

The Seattle firm of Lane Powell Spears Lubersky has announced that **John E. D. Powell '82** has become a partner at the firm. Powell handles general maritime law cases, maritime personal injury defense litigation, and insurance coverage defense litigation.

—Continued on next page—

## ROLFE'S REFRESHING VIEW: CEO OF SPACE NEEDLE CORP.

**C**an't remember how long it takes the Space Needle to make one revolution? **Stuart Rolfe '78** will be able to tell you, and more importantly, he'll be able to tell you about the \$9 million in total sales that the Space Needle recorded last year. Rolfe was recently appointed chairman of the board of directors and chief executive officer of the corporation that manages Seattle's most famous attraction.

Running a corporation that is a symbol of Seattle and the Northwest is, according to Rolfe, "a challenge." Because most people think the Space Needle is owned by the City of Seattle, any improvements must take public opinion into account. But being a symbol of the city is a huge plus: more than 25 million people have visited the Space Needle since it was built for the 1962 Seattle World's Fair.

"We're thrilled to have that image. We do have a partner in our operation and that's the people of the Northwest who feel very strongly about how the Space Needle looks and how it's run," he said.

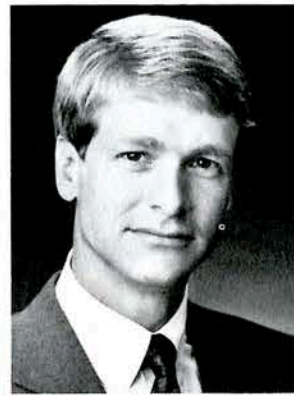
The most important task facing Rolfe is maintaining and building on the Needle's phenomenal success. Noting that the restaurant was recently ranked as the twelfth busiest in the United States, Rolfe commented: "We're very proud that we've been able to maintain the level of quality that we have while serving that volume of people. Because of the structure, our kitchen facilities are limited. It is a real challenge to serve that many people and to keep the quality up."

The corporation is tackling the difficult problems of access and parking that are limits on the Needle's prosperity. "We are very excited about a planned improvement at the base of the Needle which would encompass the development of an underground parking garage and restructuring of the entry way," Rolfe said.

Locating the garage underground is important to retaining the "park-like feeling of the Seattle Center," he said.

In 1990, the Space Needle Corporation branched out and took over the management of the Windows Restaurant and Terrace, another view restaurant in Portland. Rolfe sees this venture as a major test which may result in the corporation taking over other restaurants as well.

A partner at Foster, Pepper & Shefelman, Rolfe has negotiated with the firm to continue in his position part time, a step that he believes is "mutually beneficial" to him and the firm. "Maybe it's the fifteen-year itch," he said, "but practicing law isn't as fun as it used to be. With this arrangement, I can continue to practice and enjoy what I'm doing. It keeps me fresh and allows me to do some things outside of the traditional legal framework."



Stuart Rolfe '78



John E.D. Powell '82



V. Lee Okarma Rees '84



## More notes from alums...

**Deric Young '87** was named the general manager of the Galvin Flying Service, which operates out of Boeing Field in Seattle, Wash. Young began working for Galvin Flying as a part-time aircraft refueler 18 years ago. He was recently marketing manager for the company.

**John McMonagle '89** hit the big time last fall when he won the Washington State Lottery. McMonagle split the \$10 million pot with one other person. An attorney in Tacoma, McMonagle plans to phase out his practice.

As a result of a settlement worked out with the Peninsula School District in Washington state last November, clients represented by **Naomi Berkowitz '87** received \$400,000. Berkowitz handled the wrongful-death lawsuit for the parents of a teenager killed in an accident with a Peninsula school bus.

**Cheryl Williams '90** gave a presentation on "Gender Bias and Domestic Violence" as part of the Tacoma-Pierce County Bar Association Parenting Investigation Training for 90 attorneys and social workers last October.

**Susan L. Preston '85**, formerly associated with Univar Corporation and the Weyerhaeuser Company, has joined Sweet-Edwards/EMCON, Inc. as a supervising environmental scientist.

The Kitsap County YWCA gave its annual "Woman of Achievement in the Professions" award to **Susan (Cyr) Daniel '82**. Daniel co-founded the Dispute Resolution Center of Kitsap

County, an alternative legal assistance program open to all citizens of the county with charges based on a sliding fee scale, and assisted in setting up Kitsap County's Pro Bono program. Daniel opened up a private practice in Port Orchard last May. She reports that she is "buried" in work and very happy with her decision to go out on her own.

In our last issue we reported on **Alma Golazeski's '91** Fulbright to Yugoslavia. All scholarships to Yugoslavia were cancelled; however, Golazeski was offered a substitute position at the American University of Blagovgrad in Bulgaria. Sponsored by the University of Maine, the American University is a new institution which is housed in buildings formerly owned by the Communist Party. Golazeski's main responsibility will be to assist with curriculum development in the information systems department.

In Alaska's tourist economy, the winter months are the hardest for hotels. It is thus with great pride that **Julia (Swan) Tucker '77**, attorney and president of the Chelsea Inn Corporation which operates a new 32 room hotel in Anchorage, reported that their

occupancy rates this winter were significantly higher than last year, their first year in business. A Mark Air training program and Northwest Airlines commuter pilots have kept their rooms full.

After 15 years of prosecuting environmental cases for the U.S. Environmental Protection Agency and with the Department of Justice, **Arthur E. Smith, Jr. '76** is now Environmental Counsel and Manager of Environmental Affairs at Northern Indiana Public Service Company headquartered in Merrillville, Ind.

Writing from down under, where he moved with his wife (a native of Sydney) and daughter two years ago, **Brian Elkington '81** wrote to let classmates know what he's been doing since he missed the reunion. "When we arrived, Australia (or "Oz" as it's known to the locals) was, and in fact still is, in the middle of a tough recession. I was not licensed to practice law in Australia, so my chances of employment looked bleak. I was lucky enough

to get a job with Heidtman and Company, a firm of 12 lawyers. I did commercial litigation and bankruptcy initially, but was recently transferred to the entertainment law area. I am negotiating and drafting film financing contracts and contracts for film directors, musicians, artists and anyone else connected with the entertainment field. The firm represents a large number of film companies so a lot of my work is in that area. I am still writing songs and hoping to become rich and famous one day, although I suppose my chances of becoming a teen idol are slipping fast. **Dan Mohs '82** and I are recording a compact disk of original songs in Boulder, Colo."

Congratulations to **Diane Russell '86** who was named the Woman Lawyer of the Year by the Kitsap Chapter of Washington Women Lawyers.

—Alumni/ae Notes & Profiles  
by Beth Mabel

## GRAD HEADS THURSTON BAR

Serving as President of the Thurston County Bar Association, **Stephen J. Henderson '74** is busy this year running a volunteer organization of 220 attorneys which supports practitioners in Washington state's capital.

According to Henderson, local bar associations have become more important as attorneys deal with the mounting pressures of legal practice. Speaking from his office in Olympia, where he is a partner in the firm of Glenn Henderson & Hoffman, Henderson described his leadership philosophy: "I think if we can turn the clock back a bit and encourage more cordial relations between lawyers, practice becomes more enjoyable and less stressful."

The growth in the Thurston County Bar Association's programs this year reflects Henderson's commitment to building a more cohesive group. The organization's newsletter has been improved and the speakers bureau has been reinvigorated. For the first time, the Bar Association participated in the new attorney swearing-in ceremony at the Supreme Court, and Henderson gave the welcoming speech.

"I enjoyed that," he said. "I hope it made the connection for the new admittees who are going to be practicing in our county."

The Association is also involved in important professional activities. Henderson described interaction with judges "regarding procedures, scheduling criminal cases and any changes in the local rules" as a crucial role for the association. Its vigorous criminal law committee is currently discussing a change proposed by the judges to move to a struck jury system.

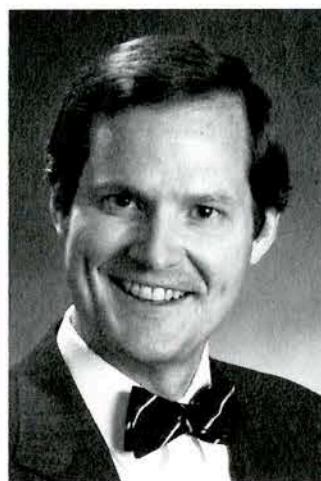
Henderson views his work with the Association as a privilege. "I am enjoying working with my colleagues a great deal," he said.



Deric Young '87



Susan Daniel '82



Stephen Henderson '74



Hugh Hawkins '76

## HAWKINS EARNS EDDY AWARD

### Real estate practice...

The 15,000 members of the Washington Association of Realtors (W.A.R.) recently honored **Hugh W. Hawkins, Jr. '76** with their Eddy Award. Hawkins was recognized for his significant contributions to real estate education.

A senior partner at Revelle, Ries & Hawkins in Bellevue, Wash., where he is head of the Real Estate Department and president of its affiliated escrow corporation, Hawkins has limited his practice exclusively to real estate since 1979 when he "became very involved in realtor-real estate licensee education," he said.

Since that time, he has worked with the W.A.R. and its affiliate chapters in King and Pierce Counties to develop and teach seminars to the membership. And his courses are very popular.

"I do a one day course called current legal issues in real estate and the demand for it exceeds my time schedule here, so I have two lawyers as backup for when I can't do it. I taught it 12 times last year," he noted.

Hawkins often uses the Socratic method to teach his courses and he says the realtors "just eat it up. They like the interaction."

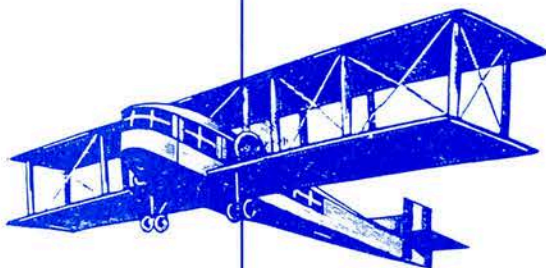
Hawkins' affiliation with the real estate professional organization continued to grow as his courses became increasingly sought after. Legal counsel to the Seattle-King County Association of Realtors, Hawkins runs the W.A.R.'s hotline which began in 1988. Hawkins got the idea for the hotline from similar programs run in California and Wisconsin. After several years of discussing the concept with W.A.R. and successfully bidding for the final contract, Hawkins became the developer and supervisor of Revelle, Ries & Hawkins' toll free real estate hotline. The hotline takes about 10 calls a day from W.A.R. members. He and his staff are required to answer within 24 hours.

According to Hawkins, "the beautiful thing about the hotline is it lets us know what's going on out there. For example in the last week or so, we've had an increase in the number of calls about how to handle a multiple offer situation. And they're coming from around the state. So I know that the real estate market is heating up because whenever you get into multiple offers, that is exactly what's going on." For the past two years, in W.A.R.'s annual membership survey, the hotline has come out on top as the most popular service for the membership, Hawkins said.

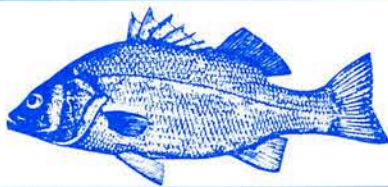
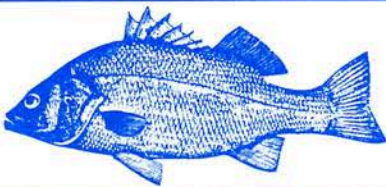
The hotline has spawned several other projects.

"In two or three industry papers we publish a monthly column called "What's Hot on the Hotline," in which we summarize questions that have come in, particularly if we see a trend," Hawkins said. And for each of the past three years, Hawkins has published a book which summarizes the trends reflected in the hotline.

Hawkins thrives on the ever changing nature of real estate law and is very happy with the practice he has developed.







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